

IC 34-41-5

Chapter 5. Records as Evidence of Conveyances After Destruction of Original by Fire

IC 34-41-5-1

Deed or record thereof as prima facie evidence of facts recited therein

Sec. 1. (a) This section applies to a deed that has been executed:

- (1) by an administrator, executor, guardian, sheriff, or commissioner of court; and
- (2) by virtue of any:
 - (A) order, judgment, or decree of court;
 - (B) will; or
 - (C) sale made upon any execution issued on any judgment.

(b) If the record of an order, decree of court, will, execution, or judgment described in subsection (a) is destroyed by fire in the burning of a courthouse in Indiana, the deed or the record of the deed is prima facie evidence of:

- (1) all the facts recited in the deed; and
- (2) the regularity and sufficiency of all the proceedings, records, and papers in virtue of which the deed was executed.

As added by P.L.1-1998, SEC.37.

IC 34-41-5-2

Certified transcript of partition judgment; evidentiary value

Sec. 2. Whenever:

- (1) any partition of real estate in any Indiana county has been made by judgment of any court in Indiana; and
- (2) the records of the court in which the proceedings for partition were held have been destroyed by fire;

a certified transcript of the judgment of partition and any record of the judgment in the recorder's office of the county in which the real estate is situated is admissible in evidence, without the residue of the record of the proceedings. The certified transcript and any record of the judgment are prima facie evidence of the sufficiency and regularity of all the proceedings, records, and papers in the case in which the judgment was rendered.

As added by P.L.1-1998, SEC.37.